

COPY

700-0039

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railway Company, hereinafter referred to as the "Company", the Village of Erie, hereinafter referred to as the "Village", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the 6th Street, 8th Street, Albany Street and Main Street crossings of The Burlington Northern Santa Fe Railroad Company tracks located in the Village of Erie, Whiteside County, Illinois, designated as crossings AAR/DOT # 065 703H, Milepost 61.89-UV, AAR/DOT # 065 704P, Milepost 62.03-UV, AAR/DOT # 065 705W, Milepost 62.07-UV, AAR/DOT # 065 706D, Milepost 62.62-UV, respectively.
and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossings by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volumes, and sight distances and all other pertinent data relating to the crossings has been obtained and shown on Exhibits A, A-1, A-2 and A-3 attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1

All improvements encompassed by this agreement shall be made in

DOCKETED

accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The Department, the Village and the Commission are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be:

6th Street

- a) the Company should install automatic flashing light signals and gates controlled by constant warning time circuitry;

8th Street

- a) the Company should install automatic flashing light signals and gates controlled by constant warning time circuitry;

Albany Street

- a) the Company should install automatic flashing light signals and gates controlled by constant warning time circuitry;

Main Street

- a) the Company should install automatic flashing light signals and gates controlled by constant warning time circuitry;

Section 3 The Company has prepared preliminary estimates of cost to accomplish the proposed improvements which it may be required to perform, said estimates are attached as Exhibits B, B-1, B-2 and B-3 and shall upon Order according to the requirements contained therein prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

6th Street

- a) the cost to install the automatic flashing light signals and gates estimated at \$135,448, should be allocated whereby the Grade Crossing Protection Fund (Fund) should bear 85% of said project cost, not to exceed \$115,131, the Village should bear 10%, not to exceed \$13,545, with the Company bearing any remaining cost after payment from Village and the Fund, as well as all future operation and maintenance cost thereof;

8th Street

- a) the cost to install the automatic flashing light signals and gates estimated at \$91,333, should be allocated whereby the Grade Crossing Protection Fund (Fund) should bear 85% of said project cost, not to exceed \$77,633, the Village should bear 10%, not to exceed \$9,133, with the Company bearing any remaining cost after payment from Village and the Fund, as well as all future operation and maintenance cost thereof;

Albany Street

- a) the cost to install the automatic flashing light signals and gates estimated at \$142,824, should be allocated whereby the Department (IDOT) utilizing federal funding under ISTEA should pay 100% of the actual project cost with the Company bearing all future operation and maintenance cost thereof;

Main Street

- a) the cost to install the automatic flashing light signals and gates estimated at \$143,780, should be allocated whereby the Department (IDOT) utilizing federal funding under ISTEA should pay 100% of the actual project cost with the Company bearing all future operation and maintenance cost thereof;

Section 6 The Village is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by Resolution attached as Exhibit C.

Section 7 Special Provisions: Since federal funding is being utilized for the warning device improvements at the Albany Street and Main Street crossings, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since the warning device improvements at the Albany Street and Main Street crossings will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company shall file a written report with the Director of Processing within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures of the total project and percentage of completion of the project; if the project

is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Main Office, Illinois Department of Transportation at 2300 South Dirksen Parkway, Springfield, Illinois, 62764. A copy of each bill for Fund reimbursement should also be submitted to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall within ninety (90) days of the date of Commission's Order subsequent to this Agreement, submit to the Director of Processing, Transportation Division of the Commission, the name, title, mailing address, phone number and facsimile number of a project manager.

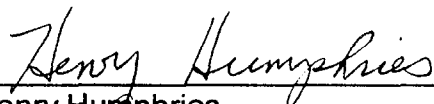
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 21st day of January, 2000.



Michael E. Stead
Railroad Safety
Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 907 concerning improvements at the 6th Street, 8th Street, Albany Street and Main Street grade crossings of The Burlington Northern Santa Fe Railroad Company tracks located in the Village of Erie, Whiteside County, Illinois, designated as crossings AAR/DOT # 065 703H, Milepost 61.89-UV, AAR/DOT # 065 704P, Milepost 62.03-UV, AAR/DOT # 065 705W, Milepost 62.07-UV, AAR/DOT # 065 706D, Milepost 62.62-UV, respectively.

Executed by The Burlington Northern Santa Fe Railroad Company this ^{And} ~~road~~ ^{way} 14 day of FEBRUARY, 2000.

THE BURLINGTON NORTHERN
AND SANTA FE RAILROAD COMPANY
~~ROAD~~
WAY

By: J. Allen Kuhn
(Signed) J. ALLEN KUHN
MANAGER PUBLIC PROJECTS

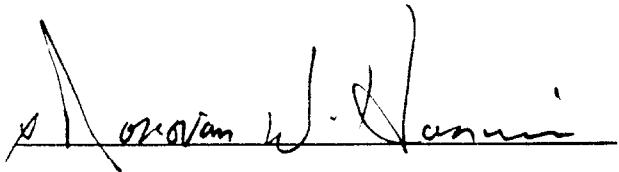
Attest:

Cheryl L. Markin

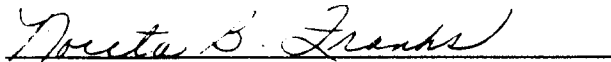
Illinois Commerce Commission Stipulated Agreement No. 907 concerning improvements at the 6th Street, 8th Street, Albany Street and Main Street grade crossings of The Burlington Northern Santa Fe Railroad Company tracks located in the Village of Erie, Whiteside County, Illinois, designated as crossings AAR/DOT # 065 703H, Milepost 61.89-UV, AAR/DOT # 065 704P, Milepost 62.03-UV, AAR/DOT # 065 705W, Milepost 62.07-UV, AAR/DOT # 065 706D, Milepost 62.62-UV, respectively.

Executed by the Village of Erie this 8 day of February, 2000.

VILLAGE OF ERIE

By: 

Attest:



Illinois Commerce Commission Stipulated Agreement No. 907 concerning improvements at the 6th Street, 8th Street, Albany Street and Main Street grade crossings of The Burlington Northern Santa Fe Railroad Company tracks located in the Village of Erie, Whiteside County, Illinois, designated as crossings AAR/DOT # 065 703H, Milepost 61.89-UV, AAR/DOT # 065 704P, Milepost 62.03-UV, AAR/DOT # 065 705W, Milepost 62.07-UV, AAR/DOT # 065 706D, Milepost 62.62-UV, respectively.

Executed by the Department this 25TH day of APRIL, 2000.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: 
Director of Highways

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 61.89-UV Inventory # 065 703H
City (I) Erie Street 6th Street County Whiteside
Jurisdiction Village Urban X Rural Commercial Residential X
Street Surface Asphalt Width 22' Condition Good
Angle 90° Tracks Tangent Yes Degree of Curve -- Superelevation --
Depth of Cut ----- Height of Fill -----

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>Rubber</u>	<u>24' +</u>	<u>Fair</u>
				<u>8'</u>	<u>timber ext. both</u>
					<u>ends Fair</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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Intersecting Roads 100' ----- 200' -----

Traffic Control Devices Present None-----

ADT 1,050 Speed posted 30mph Statewide Yes

Schoolbuses Yes Hazardous Materials Yes Other

Rail Traffic: Ft. 16 @ 40 mph Pass. -- @ -- mph Switch

Simultaneous Movements No Daylight and Dark Yes

Present Protection AFLS

Advance Warning Signs Yes Pavement Marking No

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	unrestricted		N/A	
NW	restricted		N/A	
SE	unrestricted		N/A	
SW	unrestricted		N/A	

Approach Grades

North	<u>Meets</u>	'	<u>92</u>	%	<u>ILL.</u>	'	<u>ADM.</u>	%	<u>Code</u>	'	<u>1535</u>	%
South	<u>"</u>	'	<u>"</u>	%	<u>"</u>	'	<u>"</u>	%	<u>"</u>	'	<u>"</u>	%

Comments: _____

[illegible]

Sketch of Crossing

Exhibit A
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